UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9 and 18-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/08

has been entered.

Response to Arguments

2.   Applicant's arguments filed 04/08/08 have been fully considered but they are not

persuasive.

The applicant argues with respect to claim 1 on page 8, second paragraph that

Gifford does not disclose a selectable symbol displayed in the e-mail message received

at the recipient for establishing a voice communication by the recipient with the sender,

as recited in claim 1. The examiner disagrees. Gifford clearly teaches at Abstract, lines

2-7 in the following passage: "The subscriber utilizes an active interface embedded in

an email notification to control delivery of a non-literal, single media or multimedia

message to the subscriber. Such a non-literal message includes, but is not limited to,

any of a hyberlink-based message, a voicemail message, a facsimile, and a video clip."

To establish the voice communications, the subscriber or user selects or clicks on a

button (see figure 2, reference 202, col. 10, line 9 to col. 11, line 17). In doing so, the

user or subscriber established the voice communications by way of accessing the

selectable button (symbol means) in the e-mail message. The applicant argues that

Gilford do not establish a voice communications link between the sender and the

recipient of the e-mail message, but rather, services in Gilford permit the user to place a

call or return a call earlier placed to the user. The examiner disagrees. Gilford clearly

teach the message services 201 which are provided in the interface give the user the

ability to Listen, View, Save, Delete, or Forward a message from the interface (figure 2,

reference 201, col. 8, line 41 to col. 9, line 50), and Gilford further teach Calling service

202 which can be provided through a user interface: Return call, Place a call, Call Me

back now, Phone Conference (establish a voice communications link between the

sender and the recipient of the e-mail message means).

The applicant argues on page 8, first paragraph that it is not clear how the

passage (col. 7, lines 45-56) discloses a voice communications identifier. The examiner

disagrees. Shenefiel's voice command identifier clearly teach the speech recognition

process (a voice communications identifier) from the user interface service 80 and

identifies from the supplied audio file the specified messaging operation and any

specified operand, including a reference to folder, a reference e-mail (a voice

communications identifier in an e-mail message means).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1, 3-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gifford et al. (US 6,549,612) in view of Shenefiel (US 6,857,008) further in view of

Davis et al. (US 5,937,160).

       For claim 1, Gifford et al. disclose unified communication services via e-mail,

comprising:

       inserting a voice communications in an e-mail message (col. 6, lines 30-33, and

col. 7, lines 28-30) sent from a sender at a sending node (caller means, figure 5,

reference step 500, col. 14, lines 19-20) to a recipient at a receiving node (figure 2, user

interface means or subscriber means), wherein said voice communications includes

information to indicate that a voice communications link can be established between the

sending and receiving nodes (figure 5, reference steps 580, 590 and 595, col. 15, lines

18-26)

       embedding within said voice communications an executable voice

communications link program code (col. 6, lines 30-33, and col. 7, lines 28-30), said

program code configured to execute within said receiving node (figure 2, user interface

means or subscriber means)(col. 6, lines 35-37, and col. 8, lines 65-67) to establish a

voice communication link for transmitting and receiving voice communications over a

voice-based communications network between said sending node and said receiving

node (col. 9, line 55 to col. 10, line 6, and col. 11, lines 1-4);

transmitting said e-mail message to said recipient (figure 5, reference steps 580,

590 and 595, col. 15, lines 18-26); and

displaying a selectable symbol corresponding to the voice communications in the

e-mail message received at the recipient for establishing voice communications by the

recipient (figure 2, reference Calling Service 202, col. 10, line 7 to col. 11, line 6); and

responsive to said recipient selecting said selectable symbol (figure 6, col. 8 lines

55-58 and col. 15 lines 56-58), establishing said voice communications link between

said sender and said recipient (figure 2, user interface means or subscriber means)(col.

10 line 7 to col. 11, line 6).

However, Gifford et al. do not expressly disclose a voice communications

identifier. In analogous art, Shenefiel discloses a voice communications identifier (col. 7

lines 48-50).

One skilled in the art would have recognized the voice communication identifier,

and would have applied Shenefiel's XML tag in Gifford et al.'s e-mail message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention, to use Shenefiel's arrangement for accessing an IP-based messaging server

by telephone for management of stored messages in Gifford et al.'s unified

communication services via e-mail with the motivation being to perform an IMAP

operation based on supplied user speech information (col. 7, lines 50-51).

Furthermore, Gifford et al. in view of Shenefiel do not expressly disclose wherein

said program code comprises a binary representation of a compiled object. In an

analogous art, Davis et al. disclose wherein said program code comprises a binary

representation of a compiled object (col. 12, line 46).

One skilled in the art would have recognized the wherein said program code

comprises a binary representation of a compiled object, and would have applied Davis

et al.'s binary files in Gifford et al.'s e-mail message. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention, to use Davis et al.'s

systems, methods and computer program products for updating hypertext documents

via electronic mail in Gifford et al.'s unified communication services via e-mail with the

motivation being to provide non-text files, including, but not limited to audio, video and

graphic files, may be included with an e-mail message as attachments (col. 12, lines 43-

45).

For claim 3, Gifford et al. disclose wherein said inserting step further comprises

the step of inserting in said e-mail message a reference to said sender of said e-mail

message (figure 2, col. 4, lines 35-40 and col. 5, lines 25-37).

For claim 4, Gifford et al disclose wherein said establishing step comprises the

step of responsive to said recipient selecting said selectable symbol, executing said

executable voice communications link program code in order to establish said voice

communications link with said sender (col. 7, lines 28-30 and col. 8, lines 65-67).

For claim 5, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient (figure 2, user interface means or subscriber means) selecting said selectable symbol (col. 7, lines 28-30, and col. 8, lines 65-67), determining a link address for said sender based on said reference, and executing said executable voice communications link program code at said receiving node in order to establish said voice communications link with said sender according to said determined line address (figure 5, reference step 500, col. 14, lines 38).

For claim 6, Gifford et al disclose further comprising determining a voice communication capability between the sending and receiving node; and selecting one of a Voice over IP link and a public switched telephone network link based on the determined capability (figure 2, reference 202, col. 11, lines 1-17).

For claim 8, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient selecting said selectable symbol (col. 7, lines 28-30, and col. 8, lines 65-67), establishing a Voice over IP (VoIP) based voice communications link with said recipient (col. 11, lines 3-4).

For claim 9, Gifford et al disclose wherein said establishing step comprises the step of responsive to said recipient selecting said selectable symbol (col. 8, lines 65-67), establishing a telephony-based voice communications link with said recipient over a public switched telephone network (PSTN)(col. 11, lines 1-4).

6.   Claims 7 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford et al. (US 6,549,612) in view of Shenefiel (US 6,857,008) and Davis et al. (US 5,937,160) further in view of Funk et al (US 5,937,162).

For claims 7 and 18, Gifford et al disclose extracting embedded references to said sender, said embedded references being extracted from said e-mail message and displaying a corresponding selectable icon (col. 8, lines 49-67, and col. 14, lines 47-50 as set forth in claim 18).

However, Gifford et al in view of Shenefiel do not expressly disclose at least one other recipient of said e-mail message and displaying for each of said at least one other recipient. In an analogous art, Funk et al disclose at least one other recipient of said e-mail message and displaying for each of said at least one other recipient (figure 1, reference 114, col. 5, lines 66-67 as set forth in claim 18).

Gifford in view of Shenefiel disclose wherein said link address is at least one of a telephone number (col. 9, lines 55-56), and Funk et al. disclose wherein said link address is at least one of a telephone number and an IP address (col. 2, line 25 as set forth in claim 7).

One skilled in the art would have recognized the at least one other recipient of said e-mail message and displaying for each of said at least one other recipient, and would have applied Funk et al.'s service processing system in Gifford et al.'s e-mail message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Funk et al.'s method and apparatus for high volume e-mail delivery in Gifford et al.'s unified communication services via e-mail with the motivation being to feed those e-mail messages through the internet 106 to end user terminals 114 (col. 5, lines 66-67).

For claim 19, Gifford et al. disclose wherein said executing step further

comprises the step of:

responsive to a selection of one of said selectable icons, identifying a

corresponding recipient (col. 6, lines 15-65, and col. 7, lines 28-30), determining a link

address for said corresponding recipient based on said extracted reference, and

executing said executable voice communications link program component in

order to establish said voice communications link with said sender according to said

determined line address (figure 5, reference step 500, col. 8, lines 65-67, and col. 14,

lines 38).

For claim 20, Gifford et al. disclose wherein said executing step further

comprises the step of:

responsive to a selection of two or more of said selectable icons, identifying a

corresponding recipient (col. 6, lines 15-65, and col. 7, lines 28-30), determining a link

address for said corresponding recipient based on said extracted reference (figure 5,

reference step 500, col. 14, line 38), and

executing said executable voice communications link program component in

order to establish a voice communications link with said sender according to said

determined line address (figure 5, reference step 500, col. 8, lines 65-67, and col. 14,

line 38).

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TOAN D. NGUYEN whose telephone number is

(571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./
Examiner, Art Unit 2416

/FIRMIN BACKER/
Supervisory Patent Examiner, Art Unit 2416